

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

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No. 05-1912

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

RICHARD HOYER; MARY HOYER,)	
)	
Plaintiffs-Appellants,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
MICHIGAN UNITED FOOD &)	EASTERN DISTRICT OF MICHIGAN
COMMERCIAL WORKERS UNIONS &)	
EMPLOYERS HEALTH & WELFARE)	
FUND,)	
)	
Defendant-Appellee.)	

Before: SUHRHEINRICH, CLAY and SUTTON, Circuit Judges.

PER CURIAM. In this dispute over the payment of medical claims under the Employee Retirement Income Security Act, 29 U.S.C. § 1001 *et seq.*, Richard and Mary Hoyer appeal the district court’s dismissal of their claims against the Michigan United Food and Commercial Workers Unions and Employers Health and Welfare Fund.

The Hoyers, as *pro se* appellants, have informed the Court that they never authorized their former attorney to file this appeal. They maintain that they did not wish to appeal—wanting instead to be “out of the court system.” Br. at 2. In their appellate brief, the Hoyers have not raised any issues on appeal, *see United States v. Johnson*, 440 F.3d 832, 846 (6th Cir. 2006) (noting that “[a]n

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appellant abandons all issues not raised and argued in its initial brief on appeal”) (internal quotation marks omitted), even going so far as to acknowledge that the district court did not make any legal errors, Br. at 2.

Both parties do address the Fund’s motion for costs. But in its order of July 25, 2005, the district court stayed the Fund’s request for costs pending our resolution of this appeal. Because the district court has not ruled on this claim for costs, the issue is not properly before us. *See Soliday v. Miami County, Ohio*, 55 F.3d 1158, 1165 (6th Cir. 1995).

The Hoyers having abandoned or otherwise waived all of their appellate arguments, we dismiss this appeal.